

## PART 1350—INCENTIVE GRANT CRITERIA FOR MOTORCYCLIST SAFETY PROGRAM

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APPENDIX A TO PART 1350—CERTIFICATIONS SPECIFIC TO GRANT CRITERIA FOR WHICH A STATE PREVIOUSLY RECEIVED A GRANT AWARD

APPENDIX B TO PART 1350—GENERAL CERTIFICATIONS

AUTHORITY: Sec. 2010, Public Law 109–59, 119 Stat. 1535; delegation of authority at 49 CFR 1.50.

SOURCE: 71 FR 40898, July 19, 2006, unless otherwise noted.

### § 1350.1 Scope.

This part establishes criteria, in accordance with section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), for awarding incentive grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

### § 1350.2 Purpose.

The purpose of this part is to implement the provisions of section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), and to encourage States to adopt effective motorcyclist safety programs.

### § 1350.3 Definitions.

As used in this part—

*FARS* means NHTSA’s Fatality Analysis Reporting System.

*Impaired* means alcohol- or drug-impaired as defined by State law, provided that the State’s legal alcohol-impairment level does not exceed .08 BAC.

*Majority* means greater than 50 percent.

*Motorcycle* means a motor vehicle with motive power having a seat or saddle for the use of the rider and de-

signed to travel on not more than three wheels in contact with the ground.

*Motorcyclist awareness* means an individual or collective awareness of—

(1) The presence of motorcycles on or near roadways; and

(2) Safe driving practices that avoid injury to motorcyclists.

*Motorcyclist awareness program* means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

*Motorcyclist safety training or Motorcycle rider training* means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

*Preceding calendar year* means the calendar year that precedes the beginning of the fiscal year of the grant by one year. (For example, for grant applications in fiscal year 2006, which began in October 2005, the preceding calendar year is the 2004 calendar year and final FARS data, State crash data and FHWA motorcycle registration data from the “preceding calendar year” would, therefore, be such data from calendar year 2004.)

*State* means any of the 50 States, the District of Columbia, and Puerto Rico.

### § 1350.4 Qualification requirements.

To qualify for a grant under this part, a State must meet, in the first fiscal year it receives a grant, at least one, and in the second and subsequent fiscal years it receives a grant, at least two, of the following grant criteria:

(a) *Motorcycle rider training course*. To satisfy this criterion, a State must have an effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists and that